Rumors of startling developments got tators and witnesses relieved their exaround, however, and when the after- cited nerves by moving around and noon session began the air was elec- discussing the sudden turn of the case. trical with expectancy. Counsel re- Judge Flannigan read his charge to mained uncommunicative, and Attor- the jury immediately after recess was ney Van Benschoten, for the plaintiff, over. resumed the reading of depositions. It was noted, however, that he skipped portions of these and even disregarded the testimony of some witnesses who had made depositions. The next move 3 sudden.

#### Dramatic Rush of Events.

The plaintiff rests," remarked Atfact manner, and every eye was turned Belden, of Ishpeming.

"The defence will call Mr. Newett," announced Mr. Belden.

A ruddy cheeked man, whose color tiff's declaration, which is \$10,000, did not disguise the fact that he was suffering from a serious illness, took the chair. In his hand he carried a manuscript. There was a shuffle of sound as the spectators adjusted themselves the better to hear and observe.

Colonel Roosevelt sat with folded arms at first, but when the defendant began reading his statement he moved to the utmost edge of his chair, and betrayed an excitement which his rigid jaws could not hide. Mr. Newett was well along in his reading before the colonel, whose position seemed like that of a man about to leap forward, lost the tense look on his face.

"It is fair to the plaintiff to state that I have been unable to find in any section of the country any individual witness who is willing to state that he has personally seen Mr. Roosevelt drink to excess," read Mr. Newett.

At this the plaintiff smiled, and, relexing, spoke a few words in the ear of Attorney Van Benschoten. The lawyer smiled back at him. The colonel broke into a grin again when Mr. Newett. speaking distinctly and with emphasis, said, with reference to the mass of am forced to the opinion that I was mistaken.'

#### Always Thought It True.

who were alleged to have knowledge George B. Cortelyou, Dr. Albert Shaw, in every case the stories flattened out was published in good faith, Newett said, in the belief that it was true and charged in Mr. Newett's newspaper. proper information for a public which

No demand for a retraction ever had for him to do but to seek evidence and gether. make other preparations to contest the suit. Forty depositions were taken in various parts of the country, but to use them or attempt to use them, would be his attorneys.

his seat, Mr. Newett looked in the di-rection of Colonel Roosevelt, but the latter was absorbed in whispering to latter was absorbed in whispering to left the building. Mr. Van Benschoten. The attorney The one opportunity where they

nouncement.

made his statement with reference to and newspaper men. only nominal damages and to his purpose in bringing the suit.

#### Vindication from Bench

Speaking of Colonel Roosevelt as the plaintiff, Judge Flannigan said:

"Certainly he has convinced the court not only that he never was drunk, but that he is now and always has been a temperate and abstemious man,

At the same time the court held that torney James H. Pound in a matter of Mr. Newett, in publishing the editorial. "was not actuated by actual ill will toward the table where sat the de- toward the plaintiff and that he acted fendant and his attorneys. Horace An- in good faith." But, the court held, drews, of Clevelend, and William P. the injury to the plaintiff, had he not waived his right to damages, would have sustained a verdict in any sum up to the amount claimed in the plain-

#### Ever at Dramatic Pitch

The scene in the little mahogany furnished courtroom in the red county building on the hill overlooking Lake lieving that the success of that party Superior never for a moment during the twenty-four hours and forty-five minutes actual time of the trial, extending over five days, lost its dramatic

Hour after hour Mr. Newett, although suffering a serious malady and | 1 considered a most unjust attack on our with pain always visible in his face, sat listening to testimony given against him by former members of Colonel Roosevelt's Cabinet, literary men, doctors, naturalists and others of national reputation. Ten feet away sat Colonel Roosevell. The balconies and the seats behind the lawyers' inclosure were always filled.

As well as being unusual in regard to the character of the charges and the prominence of the witnesses, it was one of the briefest of civil trials.

The first witness was Colonel Roosevelt and the last one for the plaintiff was Admiral George Dewey, whose testimony was introduced by depositestimony adduced by the plaintiff, "I tion. Between them were James R. Garfield, Robert Bacon, former Secre- October 12, 1912, neither the plaintiff nor tary of State and Ambassador to any one in his behalf informed me that France; Gifford Pinchot, Truman H. he claimed the charges so made were Newberry, former Secretary of War; unfounded, nor did they request me to Newett, in his statement, admitted Major General Leonard Wood, chief of make any correction of the same that a search of the country had been staff; Dr. Lyman Abbott, W. Emlen made to investigate stories of persons Roosevelt, a cousin of the colonel; that Mr. Roosevelt drank to excess, but William Loeb, jr., Jacob A. Riis and many newspaper men, all of whom tes- intimation I received that the article was to mere opinions or hearsay. The libel tified orally or by deposition that Colo- complained of. nel Roosevelt did not "get drunk," as

velt for President. That it was true the defendant said he never questioned which could be shown by witnesses who until the libel suit was begun, and bein which Judge Flannigan had govup to the assertion until the assertion until the trial lieved the assertion until the trial erned the case or of some eleverness of formation had been through persons who on any occasion his lawyers. Mr. Newett was speaking claimed to have knowledge of the statewith friends in the room, while every- ments which had been made, and I went been made, he stated, and when the bill body else was watching to see if the forward to verify those statements and was filed against him nothing remained two principals to the suit would get to-

## No Chance for Hand Shaking.

Mr. Newett was the first to leave the courtroom, but although he was freto continue an injustice which had al- quently halted on the way to his auto- with great thoroughness, and in numerready become apparent to him and to mobile by persons who wished to express admiration of the manner in try we found reputable witnesses who Leaving the stand and returning to which he had acknowledged himself in the stand and returning to which he had acknowledged himself in the were willing to swear that from observation of the time of this trial I had privilege and any candidate for public seat, Mr. Newett looked in the distribution of the addresses and rection of Colonel Roosevelt, but the home in Ishpeming before the colonel public appearances of Mr. Roosevelt they

whispered in turn to Mr. Pound and he might have met casually passed in this turned to Judge Flannigan and said:

"With the court's permission the as the colonel had to hurry to catch velt drink to excess. Upon this phase plaintiff would like to make a brief an- his train. On it, besides the colonel, of the case, when the statements attribwere James R. Garfield, W. Emlen uted to such persons were sifted, it - am unwilling to continue to assert The judge nodded, and Mr. Roose- Roosevelt, William Loeb, jr., and a was found in each instance that the that Mr. Roosevelt actually and in fact which are both defamatory and untrue. velt arose, and, bowing to the court, number of other witnesses, lawyers

The libel of which Colonel Roosevelt complained was published October 12, 1912, in Mr. Newett's weekly paper at Ishpeming. "The Iron Ore."

# NEWETT SAYS CHARGE WAS BIT OF POLITICAL BY-PLAY

and tendered an apology, was as follows: in the primary campaign of 1912 I sup-"I was born on a farm near Janesville, ported him as second choice for the Re-Wis., in 1856, and lived there until I was publican nominee. about sixteen years old. I obtained my vicinity, working on the farm summers of personal malice against the plaintiff. and going to school winters. I came to Marquette County in 1873, and have lived statements from various sources that Mr. here ever since. In 1874 I began working for The Iron Home, the first paper published in Ishpeming, and have ever since been engaged in newspaper work in this passing through the states of Montana,

"In 1879 I left 'The Iron Home' and started the publication of a paper of my own, and have continued its publication from then until the present time. This paper is known as 'Iron Ore.

The 'Iron Ore' is a weekly paper, which contains the usual local news published ing this I was loath to credit them. I in such papers in communities like Ishpeming, and, in addition, specializes in persons were mistaken and therefore mining news, covering not only the thought the statements probably unwarmining districts of Michigan but else- ranted.

was confined to the County of Marquette several weeks at Belleaire and other Florand the greater part of the remainder to ida points. other towns in the upper peninsula.

"I do not use wines or liquors myself taler, having strong convictions on this no one was able to say that he had actsubject. Neither do I use tobacco in any

"In 1896 I was appointed Commissioner Michigan, an office I held four years, elsewhere than the places before men my reappointment by Governor Pingree. in 1905 I was appointed postmaster at Ishpeming by the plaintiff of this case and held that office for four years, at the end of which term I resigned. I have also held various places on civic boards in the city of Ishpeming, and am now president of the Ishpeming Advancement of which contained reference to Mr. Association.

## Once Roosevelt Adherent.

commending him and approving his poli- them. cles, and I had therefore assisted all his

The statement make by George A. campaigns, not only by personal effort Newett, in which he retracted his charge but also by financial contributions. Even

"I mention these facts as indicating the "Some time before 1912 I began to hear Roosevelt was drinking wines and liquors trip throughout the Western country, Nevada and Arizona, as well as the intervening cities. The statements of Mr. Roosevelt's excessive drinking were repeatedly made in my hearing in various sections by many persons whom I be lieved to be reputable, but notwithstand-

Later, during the winter of 1912, I took "In October, 1912, it had a circulation of a trip to Florida, passing through Chica-from 2,500 to 3,000, four-fifths of which go and other cities en route, and spent

felt that there was a possibility that these

"During this trip the same statements as to Mr. Roosevelt's habits were repeated in any form and am an absolute tecto- in a very circumstantial way, although ually seen Mr. Roosevelt drink to excess or personally knew that he did so.

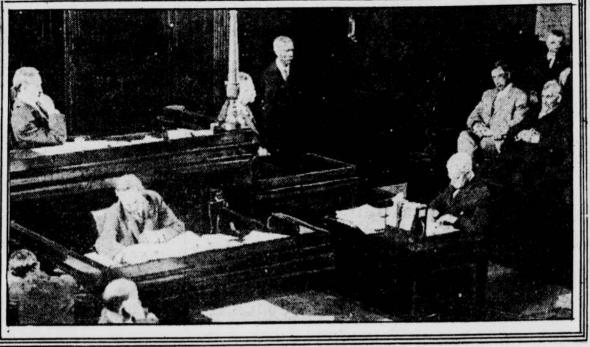
"During this period I also talked with Mining Statistics for the State of various reputable people in Ishpeming and covering two terms, my first appointment tioned, who claimed to know the condibaying been made by Governor Rich and tions as they existed in Washington and in whose statements I had the utmost confidence, both as to their reliability and their opportunity to know the facts.

## On Newspaper Hearsay.

"During the spring of 1912 newspapers came to me on our exchange list, various Roosevelt's drinking habits. I saw and read these new paper publications. From the statements so made in these papers Prior to 1912 I had been for many years and all the information which had come a strong supporter of Theodore Roosevelt, to me from the other sources mentioned recognizing him as the great Republican I felt that I could no longer doubt the leader, and had frequently published edi- truth of the strtements which had been torials and other articles in 'Iron Ore' made, much as I regretted to believe

"When Mr. Roosevelt was nominated

SCENE IN COURTROOM AT THE ROOSEVELT LIBEL TRIAL



for the Presidency on the National Progressive ticket I opposed his election, having been a lifelong Republican and be would be for the best interests of the country. In October, 1912, Mr. Roc nade a campaign trip through Northern Michigan, and among other places spoke at Marquette on the 9th. I was present on that occasion and heard him speak. In the course of his address he made what candidate for Congress, who was one of

my lifelong friends. "This incident, together with the statements which had previously come to my knowledge, confirmed me in the opinion that Mr. Roosevelt aught not to be elected President, and I decided that it was my duty in opposition to his candidacy to publish the statements, which I then beleved to be true.

"I thereupon wrote and published the article which is here complained of. This publication was intended only as a blow to Mr. Roosevelt's candidacy for the ofice he then sought. In this publication I acted in entire good faith, believing that the facts stated were true and that as a publisher I owed the duty to my readers to make that statement.

After this article was published, on

#### Suit Was First Reminder.

"On the contrary, this suit was con menced on October 25, 1912, and the service of the papers constituted the first

While Colonel Roosevelt, smiling de- prepare to defend it, and I did so to the its. best of my ability. From that time I "I have been profoundly impressed dur- to comment upon the official acts, charwhich could be shown by witnesses who direct had extent to the effect that and with an honest purpose to calighten came to me from various sections of the country, as this case had been given habits. wide publicity

our places in various parts of the counthey saw him.

"We have been unable, however, to that they have actually seen Mr. Roose- to the opinion that I was mistaken. Roosevelt had drunk to excess, or that, if he had made such claim, he was not willing to testify.

"It is fair to the plaintiff to state that I have been unable to find in any section of the country any individual witexcess.

## Backed by Forty Depositions.

of depositions of more than forty reputaognized the lesser opportunities they have faith and without malice

# NEWETT EXPLAINS "MISTAKE"

WHY EDITOR PRINTED CHARGE (From statement made by Newett

"Both my attorneys and myself. in numerous places in various parts of the country, found reputable witof the country, found reputable wit-nesses who were willing to swear that from observation during cer-tain of the addresses and public ap-pearances of Mr. Roosevelt they believed that he was intoxicated when they saw him. "We have been unable, however,

to find or produce witnesses who will swear that they have actually seen Mr. Roosevelt drink to excess. When the statements attributed to such persons were sifted, it was found in each instance that the witness did not himself know that Mr. Roosevelt had drunk to excess, or that if he had made such claim he was not willing to testify.
"It is fair to the plaintiff to state

that I have been unable to find in any section of the country any in-dividual witness who is willing to state that he has personally seen Mr. Roosevelt drink to excess.

have taken the testimony in the form of depositions of more than forty reputable witnesses who have expressed the opinion that on those occasions as to which they testify he (Colonel Roosevelt) was intoxi-cated. I believe all these witnesses were honest in making their state-ments. I have relied upon these witnesses, but I have recognized the lesser opportunities they have had to observe the plaintiff and his habits.

WHY RETRACTION WAS MADE (From statement made by Newett in court.)

"I have been profoundly impressed during the progress of the trial by the nature and extent of the evidence produced by the plaintiff to the effect that he did not in fact use liquor to excess on any occasion. "I am unwilling to believe that

these eminent men would purposely misstate the facts or that under the circumstances related by them and their intimate acquaintances with the plaintiff for so many years they could be mistaken as to his habits. 'I therefore have been forced to

believe that those who have given depositions or made the statement that, in their opinion, on occasions to which they refer Mr. Roosevelt was intoxicated had insufficient means and opportunity of correctly observing him and were mistaken.

"Up to the time of this trial I had believed that the statements made in this article were entirely warranted. But in the face of unqualified testimony of so many distinguished men who have been in position for years to know the truth. I am forced to the opinion that I was mistaken.

eminent men would purposely misstate privileged. the facts, or that under the circumstances related by them and their intimate ac-

qualified testimony of so many distin- on and inferences therefrom, honestly guished men, who have been in position and in good faith entertained, has no refind or produce witnesses who will swear for years to know the truth, I am forced dress

## Never Knowingly Unjust.

drank to excess. As a publisher of a newspaper, I have never knowingly done injustice to any man, and neither I nor any of my attorneys is willing now to make or continue the assertion of an ness who is willing to state that he has personally seen Mr. Roosevelt drink to continue, expressly or impliedly, to as ascertain the truth of the facts charged, President Roosevelt, except on some campus and the continue of the facts charged, President Roosevelt, except on some campus and the continue of the facts charged, President Roosevelt, except on some campus and the continue of the facts charged, President Roosevelt, except on some campus and the continue of the facts charged, President Roosevelt, except on some campus and the continue of the facts charged, President Roosevelt drink to the continue of the facts charged, President Roosevelt drink to the continue of the facts charged, President Roosevelt drink to the continue of the facts charged, President Roosevelt drink to the continue of the facts charged, President Roosevelt drink to the continue of the facts charged, President Roosevelt drink to the continue of the facts charged and the continue of the con sert that Mr. Roosevelt drank to excess as in any other case of libel. or actually became intoxicated, as set forth in the article, would do him an in-

which they testify he was intoxicated mainder of the case, to occupy a similar I believe all these witnesses were honest position. My position throughout the inin making their statements. I have re- troduction of my defence is and will be call upon the defendant to prove its truth education in the district school in that impossibility of my harboring any feeling lied upon those witnesses, but have rectant in the publication I acted in good or answer in damages, as was the plain-

# CONVINCED HE NEVER WAS DRUNK, JUDGE TELLS JURY

was as follows: "Gentleman of the jury: The position fact and malice in law.

which the plaintiff has now taken enables "Malice in fact, or actual malice, imthe court to dispose of this case finally plies a desire to injure. Malice in law is at this time.

the memory of one dead, or the reputa- plied from the defamatory nature of the tion of one who is alive, and expose him publication and its falsity. to public hatred, contempt and ridicule. is an essential element. But in such actions the word 'malice' is understood as son is libellous, and the publication of titled to recover all the damages which the other its legal signification, which is a wrongful act done intentionally with-

## NEWETT'S RETRACTION. (From statement made by George

A. Newett in court.)

"As a publisher of a newspaper I have never knowingly done injustice to any man, and neither I nor any of my attorneys is willing now to make or continue the assertion of an unjust charge against the plaintiff in this case. We have reached the decision that to continue expressly or impliedly to assert that Mr. Roose velt drank to excess or actually became intoxicated, as set forth in the article, would do him an injustice."

Judge Flannigan's charge to the jury out just cause or excuse. These distinctions have been denominated malice in

not necessarily inconsistent with an hon-"This action, which is for libel, followed est purpose, but if false and defamatory upon the publication by the defendant statements are made concerning another of the statement that the plaintiff was without sufficient cause or excuse they are legally malicious, and whenever the "Libel is a malicious publication ex- natural tendency of the publication is to the statement he was not actuated by pressed in printing or writing, or by impair the plaintiff's reputation and the signs and pictures, tending to blacken publication is not privileged malice is im-

"In all actions foredefamation malice, cation the natural result of which is to and property; and whenever one's repuhaving two significations, one its ordinary words of that character is considered the he has actually sustained. meaning of ill will against a person and voluntary act of the defendant, and unless privileged is presumed by law to actually, proximately and necessarily re have proceeded from malicious motives. suit from the publication of defamatory When, however, a publication is privileged the existence of the malice is not sumed and in such cases the burden is on the plaintiff to establish both the Such was the immediate and natural tenfaisity of the charge and malice in its

## If Untrue, Plainly Libellous.

"The natural result of the publication of the charge we are considering was to bring ridicule, contempt and disgrace less we may say it was priviliged.

and the defendant, by his plea, claimed declaration, which is \$10,000.
that, the plaintiff being such candidate, "But, as the court is addressed by the

there was nothing for me to do but to had to observe the plaintiff and his hab, and he, the defendant, being the publisher of a newspaper, he was priviliged | quently? of the plaintiff for the position he sought, "I am unwilling to believe that these and that, therefore, the publication was

The publisher of a newspaper may freely discuss the fitness of a person for could be proved. Additional information quaintance with the plaintiff for so many public office; he may lawfully communiears they could be mistaken as to his care to the public any fact within his knowledge respecting the official I therefore have been forced to be- character or conduct of the candidate. lieve that those who have given depost- and freely express his opinions on and Both my attorneys and myself went tions or made the statement that in their his inferences from such facts, so long tions or made the statement that in their his inferences from such facts, so long with great thoroughness and in numer, opinion, on occasions to which they refer, as he states as facts only the truth, and Mr. Roosevelt was intoxicated had in-las opinions and inferences therefrom sufficient means and opportunity of ob-fonly honest belief. To that extent the serving him correctly, and were mistaken. publisher of a newspaper is within his "But Michigan has not yet granted to

any one, whether newspaper man or not, any candidate for an elective office words stenographers in his charge. at the time to be a candidate for public

"When a newspaper attacks the charmake or continue the asserting when a newspaper attacks the charunjust charge against the plaintiff in this
actor of a candidate for public office the
case. We have reached the decision that
publisher must, at his peril, be careful to
telyou said, he was in close touch with

## Truth the Only Issue.

Unwilling to rest on the presumption

tiff's right, the plaintiff proceeded before this court to show that the charge was take only a little white wine. The colonel

"And by his own and the testimony of a long list of witnesses of high character unimpeachable credibility he has satisfied the defendant, the jury also, I fully believe-certainly he has convinced the court-not only that he never was been a temperate and abstemious man.

plaintiff and his witnesses, the defendant freely, in the presence of the court, concedes the mistake of fact in his publication. In this he has taken a just position "The court is satisfied from the testimony of the defendant that in publishing

"The enjoyment of a private reputation unassalled is as much a constitutional "Any untrue written or printed publi-right as the possession of life, liberty

> titled to recover all the damages which actual tendency of the defamatory words is to impair the plaintiff's reputation dency of the publication of the words we are considering, conceding that the pub-lication was made in good faith and in

## Would Warrant Even \$10,000

the absence of actual malice.

"Therefore, accepting as true all which upon the plaintiff, and, if untrue, it was the defendant now claims, yet the injury plainly libellous, and malice is conclu- to the reputation and feelings of the sively presumed from its publication un- plaintiff which naturally, proximately and necessarily followed upon the false pub-"The plaintiff was formerly President lication would warrant a verdict in the of the United States. At the time of the plaintiff's favor in a substantial amount, publication he was a candidate for the and would rustain a verdict in any sum office of President of the United States up to the amount claimed in the plaintiff's

and reputation, and not the recovery of a six cents. sessment of his actual damages, it only tiff for that amount

plaintiff, the object of the plaintiff in remains for the court to direct a verdict bringing and prosecuting this action be- in his favor for nominal damages, which ing the vindication of his good name under the law of Michigan, is the sum of

money judgment: and he having in open court freely waived his right to the as-

# EVIDENCE OF SOBRIETY FROM MEN OF PROMINENCE

dence. William Loeb, jr., tormerly prifrom George B. Cortelyou, who was also the plaintiff, and who is probably more and Albert Shaw were also on hand.

Other witnesses who testified personally were Joseph E. Bayless, of Sault Ste Marie, who testified to having read the alleged libellous article; W. Emlen Roosevelt, a first cousin of the plaintiff; Frank he said. Tyrce and James Sloan, secret service nen, and William P. Shauffele, a railroad man, who handled one of the Roosevelt ltineraries in Ohio. Depositions in addition to those named

above were read from Lawrence H. Graham, a newspaper man; George H. Roosevelt, whose father is a cousin of the plaintiff: James E. Amos, Colonel Roosevelt's butler at Oyster Bay, and William Dunlaney, former barber at the White House

had always been very abstemious.

#### Loeb Daily Companion.

William Loeb, jr., Collector of Customa of the Port of New York, testified that he first met Colonel Roosevelt when the latter became Governor of New York, During the seven and one-half years of the Roosevelt administration Mr. Loeb said he was associated with the President, first as assistant secretary and later as secretary. He saw Colonel Roosevelt as President every day, including holidays. "To what extent did he indulge in in-

toxicants?" "He was as temperate as any man I

ever saw. What can you say as to his drinking

wine on his trips?

"Occasionally he took a little white wine, on advice of Dr. Rixey. "Did you ever perceive the odor of liquor on his breath?"

Asked about state dinners at the White House, Mr. Locb said:

"I attended those dinners, because they usually drank a little champagne. "How many glasses did he drink?"

"One or two glasses." In the summer, Mr. Loeb said, the President carried on the government busi ness at Oyster Bay, where, he said, the colonel's habits of sobriety were strictly adhered to "In the last fifteen years would it have

been possible for Mr. Roosevelt to have gotten drunk not only once but fre-

#### It would have been impossible. Sober at Cannon Dinner.

The attorney for the plaintiff next di- at the Carlton and Bachelors' ected attention to the reception given seventieth birthday. "Did you go with the President to this

reception?" asked the lawyer. The President, myself and Mr Sloan the Secret Service man, left the White House to go to the dinner at 9 o'clock.

acts, I also came home with him. What was his condition as to sobriety?" asked Attorney Pound. "Sober.

"Did you see him take a drink during

drink a glass of champagne

Yes, one

Leaving the reception and going to the White House, will you tell the jury whether he was under the influence of Ifquor? "Absolutely not

Cross-examined by Attorney Horace Andrews, the witness said he was kept busy

Colonel Roosevelt's reputation for "Whatever the law may be in other sobriety was also emphatically upheld jurisdictions, with us no one is privileged by George B. Cortelyou, who was secreno relation, and provided that the bequest to defame a person because he happens tary to the President when McKinley was be paid prior to all others in his will assassinated and later became Secretary administration, and still later Secretary of the Treasury. At all times, Mr. Cor- his family. was a man of abstemious habits.

Dr. Abbott, in his deposition, said he

When Colonel Roosevelt became conof law that the charge was false, and nected with the magazine of which Dr. weekly conferences with the colonel.

was "decidedly abstemious," he declared. \$183,014; Halle & Steiglitz, Albert Shaw, editor of "The American Bamberger Brothers, \$22,453. Review of Reviews," in his deposition said he became acquainted with Colonel Roosevelt while the latter was Police Commissioner of New York. He told of drunk, but that he is now and always has frequent meetings with the, plaintiff was that Colonel Roosevelt was a man of exceedingly temperate habits.

Mr. Shaw described Colonel Roosevelt

Mr. Shaw described Colonel Roosevelt throughout his career and his observation "After hearing the testimony of the was that Colonel Roosevelt was a man of exceedingly temperate habits.

Character witnesses were heard all day as a man of great vitality, of great in up to the time Colonel Roosevelt's counup to the time Colone Roosevelt Shaw had observed Colonel Roosevelt sel ended the introduction of discontinuous drinking tea when stronger drinks were

from George B. Cortelyou, who was also Colonel Roosevelt's private secretary and familiar with the life of the former Presi. later a member of his Cabinet. Depositions from Admiral George Dewey, Gentions from Admiral George Dewey, Gent said he was fifty-six years old, and said he was fifty-six years old, and said plaintiff, who were brothers, had been closely associated in business. He had been in a position to know every of the plaintiff's public and private life.

> "What has been your observation through your senses of smell and sight as to whether he was a drinking man?" 'My observation was that he is not a drinker.

"Has he ever been under the influence of Houor?" "Never, so far as I observed "

### Only "Wine Highballs."

Frank Tyree, United States Marshal of the Southern District of West Virginia, who was in the Secret Service during the The character of the evidence intro- Roosevelt administration and who was The character of the evidence Roosevelt detailed to accompany the President on duced was unvarying—Colonel Roosevelt detailed to accompany the President on various trips, was another witness. He had never seen Colonel Roosevelt under the influence of liquor, he swore.

"At his meals what kind of liquor did you see him consume None whatever. I never saw him drink

whiskey at all. At banquets I have seen him take white wine with water in it-a wine highball. I'd call it."

as he had been assigned to Colonel Roosevelt. At Oyster Bay, in the summer, he said, he had remained outdoors at the dining room window when the President was at dinner. From your intimate observations of what Mr. Roosevelt ate and drank, what

'Always sober.' Witness said, because of the nearsightedness of the President, he often

were under my charge. Colonel Roesevelt, caused you to take his arm and assist

NEW FASHIONS IN DRINKS

# Moselle and Claret Displace London, May 31.—The wheel of fashion has turned in the matter of drinks.

Champagne now takes a back seat, and claret, moselle and whiskey and soda are the drinks of the moment. But tempe ance is also a current craze. Barleywater in special "brows" may be found A few smart men drink plain cold

and Lord Charles Beresford. Cider is a recent fancy. The King has rider said down in his cellar, and among cider drinkers are the Duke and Duchess of Teck, the Duchess of Leeds, Lord Knollys and Lord Mount Stephen. Beer is seldom seen at dinner or lunch-

balls and late parties. At the great brewers houses tiny tumblers of some specia brew of strong ale are handed around with the cheese at dinner.

# "I saw him go with the Speaker and SELIGMAN ESTATE \$923,712

Son of Banking Firm's Founder

son of the late James Seligman, who founded the banking firm of J. & W. Seligman, has been appraised at \$323.713 net by the State Transfer Tax Appraiser. the privilege of writing or speaking of at the White House and had twenty Seligman committed suicide on Pebruary

> He left ten charitable bequests of \$1,000 of Commerce and Labor in the Roosevelt each, and gave the bulk of his estate to sisters, brothers and other members of

paign trips. He swore that the colonel ter, Mrs. Floretta Guggenheim, wife of the late Benjamin Guggenheim, who lost ris life in the Titanic disaster, saying it of depositions of more than forty reputable witnesses who have expressed the opinion that on those occasions as to at this time, and throughout the rewhich they testife he article I acted that the defendant's liability in this action depends solely on the question whether the charge is true or false.

From what has been said it follows that the defendant's liability in this action depends solely on the question whether the charge is true or false.

amounted to more than \$600,000 above the consists chiefly of securities in railroads and industrial corporations.



OFFICIAL WEEKLY NEWSPAPER **New York County Committee** 

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### James Sloan, another Secret Service man, testified he was now assigned to the White House to look after the personal safety of President Wilson, just

would you say as to his sobriety-and was he sober or drunk?"

took his arm in walking "Was there any intemperance that

# Champagne-Cider Popular.

Speaker Cannon on the occasion of his water, among others Sir Arthur Waish

on, but iced lager beer is popular at

Left \$10,000 to Charities. The estate of Washington Sellgman,

whose report was filed vesterday 12, 1912. In a codicil to his will Mr. Seligman

He did not leave anything to his brother, Joseph Seligman, nor to his sis-

net value of the estate, the debts of the Abbott is the editor in chief he had banker amounting to about that figure His principal debts were: Hirsch, Lillen-Dr. Abbott said he had seen the plaintiff thal & Co., \$392,904; F. L. Seligsberg & Co., \$213,158; Josephthal, Loucheim & Co. \$183,014; Halle & Steiglitz, \$43,115, and

> HAMILTON SCHOOL EXERCISES. The tenth commencement of the Hamil-



Edited by MILLARD J. BLOOMER

Name....